

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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**DR. MARKCUS KITCHENS, JR.,**

**Plaintiff,**

**v.**

**NATIONAL BOARD OF MEDICAL  
EXAMINERS,**

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**Defendant.**

**Case No. 2:22-CV-03301-JFM**

**TRIAL EXHIBIT LIST**

Plaintiff and Defendant hereby submit the following final trial exhibit list.

<b>Exhibit Number</b>	<b>Document Marking</b>	<b>Document Description</b>	<b>Date Admitted</b>
JX1	Kitchens001206	Hamilton County Schools Transcript (Grades 1-5)	5/15/2023
JX2	Kitchens001207	Hamilton County Schools Transcript (Grades 6-8)	5/15/2023
JX3	Kitchens001204-1205	Hamilton County Schools Transcript (Grades 8-12)	5/15/2023
JX4	NBMEBEREA0001-0003	Berea College Transcript	5/16/2023
JX5	Kitchens001199-1202	Medical University of Lublin Transcript	5/16/2023
JX7	NBME000061 - 000078	NBME 2023 Training Guide Disability Assessment Analyst	5/17/2023
JX8	NBME000160 - 000194	USMLE 2022 Bulletin of Information	5/17/2023

<b>Exhibit Number</b>	<b>Document Marking</b>	<b>Document Description</b>	<b>Date Admitted</b>
JX9	Kitchens001057-1060	USMLE Step 1 Score Report for Feb. 25, 2022	5/16/2023
JX10	Kitchens001061-1076	USMLE Step 1 Score Report for May 9, 2022	5/16/2023
JX11	Kitchens001073-1076	USMLE Step 1 Score Report for Sept. 29, 2022	5/16/2023
JX12	Kitchens001065-1068	USMLE Step 2 CK Score Report for May 28, 2022	5/16/2023
JX13	Kitchens001069-1072	USMLE Step 2 CK Score Report for June 29, 2022	5/16/2023
JX14	NBME000293	Timing Review for Feb. 25, 2022 Step 1 Exam	5/16/2023
JX15	NBME000294	Timing Review for May 9, 2022 Step 1 Exam	5/18/2023
JX16	NBME000295	Timing Review for May 28, 2022 Step 2 Exam	5/18/2023
JX17	NBME000296	Timing Review for June 29, 2022 Step 2 Exam	5/18/2023
JX18	NBME000297	Timing Review for Sept 29, 2022 Step 1 Exam	5/18/2023
JX19	NBME000379-000385	Outcome File, Feb. 25, 2022 Step 1	5/18/2023
JX20	NBME000386-392	Outcome File, May 9, 2022 Step 1	5/18/2023
JX21	NBME000393-399	Outcome File, Sept. 29, 2022 Step 1	5/18/2023
JX22	NBME000400-406	Outcome File, May 28, 2022 Step 2 CK	5/18/2023

<b>Exhibit Number</b>	<b>Document Marking</b>	<b>Document Description</b>	<b>Date Admitted</b>
JX23	NBME000407-413	Outcome File, June 29, 2022 Step 2 CK	5/18/2023
JX25	Dkt. 25 (pp. 130-165)	FSMB, State Specific Requirements for Initial Medical Licensure	5/18/2023
PX02	PX0009-PX0023	Application for Accommodations dated 10/31/2021	5/15/2023
PX03	NBME000218-231	Application for Accommodations dated 8/30/22	5/15/2023
PX04	NBME000216-217	NBME Letter to M. Kitchens dated 2/8/22	5/16/2023
PX05	PX0040	Berea College Disability Services Progress Note 1/10/13	5/15/2023
PX06	NBMEWHC0062-63	Berea College Health Services Note 1/11/13	5/16/2023
PX09	NBMEWHC0058-59	Berea College Health Services Note 8/5/13	5/16/2023
PX11	NBMEWHC0054-55	Berea College Health Services Note 3/20/14	5/16/2023
PX16	NBMEWHC0021-24	White House Clinics Medical Record 2/15/16	5/16/2023
PX19	PX0071-72	Baptist Health Medical Records 3/23/21	5/16/2023
PX26	NBMEBACON0028-35	Connors CPT-3	5/15/2023

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PX27	NBMEBACON0045-49	MOXO d-CPT Report	5/16/2023
PX30	NBMEBACON0082-89	Report of Attention Deficit Hyperactivity Disorder Evaluation (February 2023)	5/16/2023
PX37	PX0167-172	Baptist Health Medical Records 9/22/22	5/16/2023
PX46	PX0208-213	Baptist Health Medical Records 3/24/23	5/16/2023
PX48	PX0216-223	ADHD DSM-5	5/16/2023
PX49	PX0224-228	Generalized Anxiety DSM-5	5/18/2023
PX52	NBME000210-213	CBSE Score 12/10/2020	5/16/2023
PX53	PX0235-241	CBSSA Report 2/14/2022	5/16/2023
PX54	PX0242-245	CBSSA Report 3/21/22	5/16/2023
PX55	PX0244-248	CBSSA Report 4/1/22	5/17/2023
PX57	PX0257	Letter From Dr. G. Khan dated 4/22/20	5/15/2023
PX69	NBME000118-119	Excerpt from General Guidelines for Requesting Test Accommodations	5/17/2023
PX75	NBME000414	NBME Processing Accommodations	5/15/2023
PX76	PX0302-303	Example CBSSA Questions	5/16/2023
PX84	PX0329-341	Impact of USMLE STEP 1 Study	5/15/2023

<b>Exhibit Number</b>	<b>Document Marking</b>	<b>Document Description</b>	<b>Date Admitted</b>
DX3	Dkt. 20-1	Declaration of Dr. Marcus Kitchens in Support of Plaintiff's Motion for Preliminary Injunction	5/16/2023
DX4	Dkt. 25 (pp. 40-44)	Declaration of Missie King in Support of Plaintiff's Motion for Preliminary Injunction	5/16/2023
DX7	Dkt. 22 (pp. 11-28)	Exhibit 2 to Plaintiff's Motion for Preliminary Injunction - White House Clinics Medical Records	5/16/2023
DX28	Kitchens001162-1167	Baptist Health Medical Record 1/10/23	5/17/2023
DX35	NBMEBAPT0039 - 0118	Baptist Health Medical Record 2/6/23	5/17/2023
DX57	NBME000016-000029	CV for Timothy S. Allen, M.D.	5/18/2023
DX58	NBME000001 - 000014	CV for Michael Gordon, Ph.D.	5/17/2023
DX60	Dkt. 26-2 (pp. 2-6)	USMLE Website, Test Accommodations	5/17/2023
DX61	NBME000351-378	USMLE Website, General Guidelines to Request Test Accommodations	5/17/2023
DX62	Dkt. 26-14 (p. 2)	Certification of Prior Test Accommodations Form	5/17/2023
DX69	NBME000236 - 000237	Jan. 5, 2022 Email from Marcus Kitchens to NBME Disability Services	5/16/2023

<b>Exhibit Number</b>	<b>Document Marking</b>	<b>Document Description</b>	<b>Date Admitted</b>
DX70	NBME000238	Jan. 6, 2022 Email from NBME Disability Services to Marcus Kitchens	5/17/2023
DX71	NBME000239 - 000240	Jan. 8, 2022 Email from Marcus Kitchens to NBME Disability Services	5/16/2023
DX75	NBME000258 - 000259	Aug. 30, 2022 Email from NBME Disability Services to Marcus Kitchens	5/17/2023
DX76	NBME000260 - 000261	Aug. 30, 2022 Email from Marcus Kitchens to NBME Disability Services	5/17/2023
DX78	NBME000263 - 000264	Sept. 2, 2022 Email from NBME Disability Services to Marcus Kitchens	5/16/2023
DX79	NBME000265 - 000266	Sept. 7, 2022 Email from Marcus Kitchens to NBME Disability Services	5/16/2023
DX81	NBMEECFMG0051 - 0055	Nov. 9, 2021 Email from ECFMG to Marcus Kitchens; October 22, 2021 email from Marcus Kitchens to ECFMG	5/16/2023
DX84	NBME000268 - 000270	March 11, 2022 Letter from Amelia Kitchens, Esq. of Regard Law Group to NBME	5/16/2023
DX87	NBMEECFMG0090 - 0091	Sept. 21, 2022 Email from Score Recheck ECFMG to Marcus Kitchens	5/17/2023
DX89	NBMEECFMG0092 - 0093	Oct. 5, 2022 Email from Amelia Kitchens, Esq. and attached letter dated October 3, 2022	5/16/2023

Exhibit Number	Document Marking	Document Description	Date Admitted
DX93	Dkt. 26-29 (pp. 2-5)	Informal Transcript of Dr. Marcus Kitchens September 30, 2022 call to NBME	5/17/2023

Dated: June 1, 2023

Respectfully submitted,

/s/ Dr. Marcus Kitchens (with permission)  
 625 Hampton Way, #2  
 Richmond, KY 40475  
 (423) 314-4096  
[markzwanz@gmail.com](mailto:markzwanz@gmail.com)

Pro se Plaintiff

/s/ Caroline M. Mew  
 Caroline M. Mew - *admitted pro hac vice*  
 Perkins Coie LLC  
 700 13th Street, NW, Suite 800  
 Washington, DC 20005  
 Tel: 202-654-1767  
 Fax: 202-654-6211  
[cmew@perkinscoie.com](mailto:cmew@perkinscoie.com)

Jared D. Bayer  
 Cozen O'Connor  
 One Liberty Place  
 1650 Market Street, Suite 2800  
 Philadelphia, PA 19103  
 Tel: 215-665-4127  
 Fax: 215-701-2427

Attorneys for National Board of Medical  
 Examiners

**CERTIFICATE OF SERVICE**

I hereby certify that on June 1, 2023, a true and correct copy of the foregoing document and attachments was served by electronic mail on the following:

Dr. Marcus Kitchens Jr.  
625 Hampton Way, #2  
Richmond, KY 40475  
[markzwanz@gmail.com](mailto:markzwanz@gmail.com)

/s/ Caroline M. Mew  
Caroline M. Mew